

Town of Spring Lake
Regular Meeting of the Board of Aldermen
Municipal Building
300 Ruth Street
Spring Lake, NC 28390

January 26, 2009

MINUTES

7:00

p.m.

The Spring Lake Board of Aldermen held a regular scheduled meeting in the Grady Howard Conference Room of the Spring Lake Municipal Building with Mayor Ethel T. Clark presiding.

Board Members Present: Mayor Pro-Tem James O'Garra
Alderman Richard Higgins
Alderwoman Nellie McCoy

Alderman Napoleon Hogans and Alderwoman Fredricka Sutherland were absent.

Others Present:

Larry Faison, Town Manager

Alvin Brown, Police Chief

Debbie Disbrow, Human Resources Officer

John Jackson, Town Attorney

Allen Coats, Finance Director

Danny Gerald, W&WR Director

Paul Hoover, Director of Inspections

Tom Spinks, Planning Director

Ken Metcalf, Recreation Director

Rhonda Webb, Town Clerk

2. Invocation.

Alderman Higgins gave the invocation.

3. Pledge of Allegiance.

Mayor Clark led the meeting in the pledge of allegiance.

4. Additions or Deletions to Agenda

There were no additions or deletions to the Agenda.

5. Approval of Agenda and Consent Items.

The Board approved the agenda and approved the minutes of the January 12, 2009 Workshop and Board meeting.

Motion by: Alderman Higgins

Second by: Alderwoman McCoy

Vote: Unanimous

(A copy of the agenda and consent items is hereby incorporated by reference and made a part of these minutes – see attachment one.)

6. Public Forum

No one spoke at the public forum.

7. New Business.

a. Property Disposal, Well Site on Odell Road.

Mr. Coats presented the Board with options that the Board has to dispose of the well site property on Odell Road. He explained that option one, a land swap, was found not to be a viable option. The family did not want to swap the land. He stated that the Board had previously indicated a desire to return the property to the previous owners. There are only two legal means by which to accomplish the Board's interest. The only way to possibly give the Smith family what they requested is to grant an easement or right-of-way. The only other way to dispose of the property is to declare it surplus and dispose of it in accordance with General Statutes. This would mean that anyone could bid on the property and the family may not win the bid.

Mr. Jackson stated that any easement we would grant the family would have to take into consideration that Progress Energy has an easement at their power lines.

It would be the Board's decision as to who would bear the costs of which option the Board chooses.

Action: The Board approved a motion to direct the staff to formally contact the Smith family and report the Smith's response to the Board.

Motion by: Mayor Pro Tem O'Garra

Second by: Alderman Higgins

Vote: Unanimous

Alderman Higgins requested that all options and ramifications be discussed with the family so that they go into this with their eyes open.

(A copy of the supporting documentation is hereby incorporated by reference and made a part of these minutes – see attachment two.)

b. Amendment to Chapter 51 Code of Ordinances.

Mr. Gerald presented an amendment to Chapter 51, Section 123 to reduce the time allowed for the installation of containment devices. Currently the Ordinance allows 90 days. Mr. Gerald is requesting to change that to 14 days for health hazards connections and 21 days for non health hazards connections.

Mr. Jackson stated that both Ordinances can be introduced tonight but because two Board members are absent there can be no final action on the Ordinance amendment. It can be introduced as the first reading. At the next meeting the Ordinance can be approved with a majority vote.

Action: The Board approved a motion to approve the introduction of amendment to Chapter 51, Section 123 on the first reading and place it on its first reading.

Motion by: Alderman Higgins

Second by: Mayor Pro Tem O'Garra

Vote: Unanimous

(A copy of the supporting documentation is hereby incorporated by reference and made a part of these minutes – see attachment three.)

c. Amendment to Chapter 52 Code of Ordinances.

Mr. Gerald presented an amendment to Chapter 52, Section 014 to remove the outdated monthly fee rate from the Ordinance and place the fee in the Rate and Fee Schedule.

This Ordinance is only introduced tonight because two Board members are absent and there can be no final action on the Ordinance amendment. It is introduced as the first reading. At the next meeting the Ordinance can be approved with a majority vote.

Action: The Board approved a motion to approve the introduction of Chapter 52, Section 014 on the first reading and place it on its first reading.

Motion by: Mayor Pro Tem O'Garra

Second by: Alderwoman McCoy

Vote: Unanimous

(A copy of the supporting documentation is hereby incorporated by reference and made a part of these minutes – see attachment four.)

d. PARTF Grant Application.

Mr. Metcalf gave the Board an overview of the PARTF grant application. He stated that the Board previously approved the Comprehensive Parks Plan, the Master Plan for Mendoza Park and a Capital Improvement plan for Parks. Staff offered three options to the Board at a workshop on January 12, 2009 and the Board decided to proceed with option 2. PARTF funding, if awarded, is up to \$500,000. Option 2 is estimated to cost \$1,177,000. Assuming we are successful with the grant, PARTF would pay \$500,000 and the Town's portion would be \$677,000. In order to obtain that amount the Town would seek a 20-year loan. Yearly payments for that loan would cost approximately \$50,000 per year and would equate to a 1 ½ - 2 cent tax increase. This is based on the fiscal picture that the Finance Director painted and on the Manager's priorities.

Alderman Higgins asked if we are awarded the grant and we can not obtain the Town's match are we obligated to accept the grant. Mr. Metcalf stated that we are not. Alderman Higgins stated that this is an opportunity but we are not voting to raise any taxes or anything like that at this point in time.

Mr. Jackson asked if we have to present a Resolution of Intent to meet the Town's portion. Mr. Crawford stated that at the time of grant award PARTF wants you to have the ability to pay for your match. Mr. Jackson expressed concerned about the ability to get the money as opposed to actually having the money. Mr. Crawford stated that it is his understanding that the Town does not have to have the money at the time of

application but will have to have the money during the project period. Mr. Crawford knows of other municipalities who have turned down the award of grant because they could not get their portion of the money.

Action: The Board approved a motion to approve the grant application.

Motion: Mayor Pro Tem O'Garra

Second by: Alderman Higgins

Vote: Unanimous

8. Board and Staff Comments:

Alderman McCoy

- Happy to be here.
- Hope things will work out for the Smith family.

Alderman Higgins

- Neighbor came to him and questioned what is being done about the house on Mack Street. There comes a time when we have to do something about things like this. Mr. Jackson stated that he will speak with Mr. Spinks and see if we can get the Health Department involved. He suggested that we go through the Court System. He stated that he will revisit the issue. He stated that he has tried to make contact with the owner but have not been able to make contact.
- Good to see everyone here tonight.
- Hope we can work things out with Ms. Smith.

Mayor Pro Tem O'Garra

- Hope we can come up with the right answer for the Smith family.
- Thanked Town employees, Town Historian, newspaper, and his brother-in-law for being here.
- Welcomed Mr. Bell.

Mr. Jackson

- Happy to be here.

10. Adjournment.

Action: There being no further business to come before the Board, the meeting was adjourned at 7:37 p.m..

Motion: Mayor Pro Tem O'Garra

Second by: Alderman Higgins

Vote: Unanimous

Rhonda D. Webb, CMC
Town Clerk

ATTEST:

Ethel T. Clark
Mayor